

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DataTreasury Corporation

(b) County of Residence of First Listed Plaintiff Melville, NY  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

see attached list

DEFENDANTS

2-04 CV - 85

Small Value Payments Company (SVPCo)

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

<b>CONTRACT</b> <ul style="list-style-type: none"><li><input type="checkbox"/> 110 Insurance</li><li><input type="checkbox"/> 120 Marine</li><li><input type="checkbox"/> 130 Miller Act</li><li><input type="checkbox"/> 140 Negotiable Instrument</li><li><input type="checkbox"/> 150 Recovery of Overpayment &amp; Enforcement of Judgment</li><li><input type="checkbox"/> 151 Medicare Act</li><li><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)</li><li><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</li><li><input type="checkbox"/> 160 Stockholders' Suits</li><li><input type="checkbox"/> 190 Other Contract</li><li><input type="checkbox"/> 195 Contract Product Liability</li></ul>	<b>TORTS</b> <table border="0"><tr><td><b>PERSONAL INJURY</b><ul style="list-style-type: none"><li><input type="checkbox"/> 310 Airplane</li><li><input type="checkbox"/> 315 Airplane Product Liability</li><li><input type="checkbox"/> 320 Assault, Libel &amp; Slander</li><li><input type="checkbox"/> 330 Federal Employers' Liability</li><li><input type="checkbox"/> 340 Marine</li><li><input type="checkbox"/> 345 Marine Product Liability</li><li><input type="checkbox"/> 350 Motor Vehicle</li><li><input type="checkbox"/> 355 Motor Vehicle Product Liability</li><li><input type="checkbox"/> 360 Other Personal Injury</li></ul></td><td><b>PERSONAL INJURY</b><ul style="list-style-type: none"><li><input type="checkbox"/> 362 Personal Injury—Med. Malpractice</li><li><input type="checkbox"/> 365 Personal Injury—Product Liability</li><li><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</li></ul></td></tr><tr><td><b>PERSONAL PROPERTY</b><ul style="list-style-type: none"><li><input type="checkbox"/> 370 Other Fraud</li><li><input type="checkbox"/> 371 Truth in Lending</li><li><input type="checkbox"/> 380 Other Personal Property Damage</li><li><input type="checkbox"/> 385 Property Damage Product Liability</li></ul></td><td></td></tr></table>	<b>PERSONAL INJURY</b> <ul style="list-style-type: none"><li><input type="checkbox"/> 310 Airplane</li><li><input type="checkbox"/> 315 Airplane Product Liability</li><li><input type="checkbox"/> 320 Assault, Libel &amp; Slander</li><li><input type="checkbox"/> 330 Federal Employers' Liability</li><li><input type="checkbox"/> 340 Marine</li><li><input type="checkbox"/> 345 Marine Product Liability</li><li><input type="checkbox"/> 350 Motor Vehicle</li><li><input type="checkbox"/> 355 Motor Vehicle Product Liability</li><li><input type="checkbox"/> 360 Other Personal Injury</li></ul>	<b>PERSONAL INJURY</b> <ul style="list-style-type: none"><li><input type="checkbox"/> 362 Personal Injury—Med. 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<b>REAL PROPERTY</b> <ul style="list-style-type: none"><li><input type="checkbox"/> 210 Land Condemnation</li><li><input type="checkbox"/> 220 Foreclosure</li><li><input type="checkbox"/> 230 Rent Lease &amp; Ejectment</li><li><input type="checkbox"/> 240 Torts to Land</li><li><input type="checkbox"/> 245 Tort Product Liability</li><li><input type="checkbox"/> 290 All Other Real Property</li></ul>	<b>CIVIL RIGHTS</b> <ul style="list-style-type: none"><li><input type="checkbox"/> 441 Voting</li><li><input type="checkbox"/> 442 Employment</li><li><input type="checkbox"/> 443 Housing/Accommodations</li><li><input type="checkbox"/> 444 Welfare</li><li><input type="checkbox"/> 440 Other Civil Rights</li></ul>	<b>PRISONER PETITIONS</b> <ul style="list-style-type: none"><li><input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus:</li><li><input type="checkbox"/> 530 General</li><li><input type="checkbox"/> 535 Death Penalty</li><li><input type="checkbox"/> 540 Mandamus &amp; Other</li><li><input type="checkbox"/> 550 Civil Rights</li><li><input type="checkbox"/> 555 Prison Condition</li></ul>	<b>LABOR</b> <ul style="list-style-type: none"><li><input type="checkbox"/> 710 Fair Labor Standards Act</li><li><input type="checkbox"/> 720 Labor/Mgmt. Relations</li><li><input type="checkbox"/> 730 Labor/Mgmt. Reporting &amp; Disclosure Act</li><li><input type="checkbox"/> 740 Railway Labor Act</li><li><input type="checkbox"/> 790 Other Labor Litigation</li><li><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</li></ul>	<b>PROPERTY RIGHTS</b> <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> 820 Copyrights</li><li><input type="checkbox"/> 830 Patent</li><li><input type="checkbox"/> 840 Trademark</li></ul>	<b>SOCIAL SECURITY</b> <ul style="list-style-type: none"><li><input type="checkbox"/> 861 HIA (1395ff)</li><li><input type="checkbox"/> 862 Black Lung (923)</li><li><input type="checkbox"/> 863 DIWC/DIWW (405(g))</li><li><input type="checkbox"/> 864 SSID Title XVI</li><li><input type="checkbox"/> 865 RSI (405(g))</li></ul>	<b>FEDERAL TAX SUITS</b> <ul style="list-style-type: none"><li><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</li><li><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</li></ul>		

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Title 35 U.S.C.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMANDS monetary and/or injunctive relief

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE Wilson/Craven

DOCKET NUMBER 5:03CV-039

DATE

3-2-04

SIGNATURE OF ATTORNEY OF RECORD

5:02CV-124

5:02CV-95

2:03CV-459

FOR OFFICE USE ONLY

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

FILED-CLERK  
U.S. DISTRICT COURT  
04 MAR -2 PM 3:53  
TX EASTERN-MARSHALL

DATATREASURY CORP.

§

*Plaintiff*

§

VS.

§

CV No.: 2-04 CV - 85

§

JURY DEMAND

SMALL VALUE PAYMENTS

§

COMPANY (SVPCo)

§

*Defendant*

§

§

BY \_\_\_\_\_

**COMPLAINT FOR PATENT INFRINGEMENT**

**I. THE PARTIES**

1. Plaintiff DataTreasury Corporation ("DataTreasury") is a Delaware corporation that maintains its principal place of business at 175 Pinelawn Drive, Melville, New York 11747.

2. Defendant Small Value Payments Company (SVPCo) is a Delaware Limited Liability Company that maintains its principal place of business at 100 Broad Street, New York, New York.

**II. JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 of the United States Code. The Court's jurisdiction over this action is proper under the above statutes, including 35 U.S.C. § 271 et seq. and 28 U.S.C. § 1338.

4. Personal jurisdiction exists generally over SVPCo pursuant to 28 U.S.C. § 1391 because it has sufficient minimum contact with the forum as a result of business conducted within the State of Texas and within this district. Personal jurisdiction also exists specifically over SVPCo because of SVPCo's conduct in making, using, selling, offering to sell, and/or importing, directly, contributorily, and/or by inducement, infringing products and services within the State of Texas and within this district, in particular for JP Morgan Chase, an infringing Defendant in the United States District Court for the Eastern District of Texas.

5. Venue is proper in this Court under 28 U.S.C. §§1391(b), (c), and (d), as well as 28 U.S.C., § 1400(b).

### **III. PATENT INFRINGEMENT**

6. DataTreasury is the owner as assignee of all rights, title and interest in and under United States Patent No. 5,910,988 ("the '988 patent"), which duly and legally issued on June 8, 1999, with Claudio Ballard as the named inventor, for an invention in a remote image capture with centralized processing and storage.

7. DataTreasury is the owner as assignee of all rights, title, and interest in and under United States Patent No. 6,032,137 ("the '137 patent"), which duly and legally issued on February 29, 2000, with Claudio Ballard as the named inventor, for an invention in a remote image capture with centralized processing and storage.

8. SVPCo has been and is infringing the '988 and '137 patents by making, using, selling, offering for sale, and/or importing in or into the United States, directly,

contributorily, and/or by inducement, without authority, products and services that fall within the scope of the claims of the '988 and '137 patents, including but not limited to electronic clearing and point-of-sale check-to-debit services. SVPCo will continue to infringe the '988 and '137 patents unless enjoined by this Court. DataTreasury is without an adequate remedy at law.

9. SVPCo has been and is actively inducing and/or contributing to the infringement of the '988 and '137 patents among themselves and by others.

10. SVPCo's infringement of the '988 and '137 patents has been and is willful.

11. This is an exceptional case within the meaning of 35 U.S.C. § 285.

#### **IV. JURY DEMAND**

Plaintiffs request a trial by jury.

#### **V. PRAYER FOR RELIEF**

DataTreasury respectfully requests the following relief:

A. That the Court declares that the '988 and '137 patents are valid and enforceable and that they are infringed by SVPCo.

B. That the Court enters a preliminary and thereafter a permanent injunction against SVPCo's direct infringement of the '988 and '137 patents;

C. That the Court enter a preliminary and thereafter a permanent injunction against SVPCo's active inducement of infringement and/or contributory infringement of the '988 and '137 patents among themselves and by others;

D. That the Court award damages to DataTreasury to which it is entitled for patent infringement;

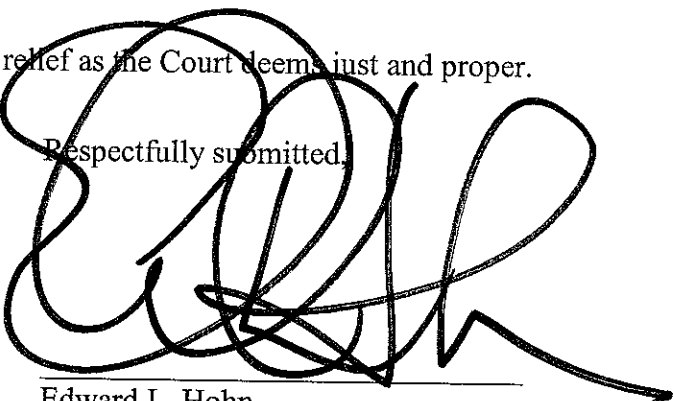
E. That the Court award interest on the damages to DataTreasury;

F. That the Court treble all damages and interest for willful infringement

G. That the Court award to DataTreasury its costs and attorneys' fees incurred in this action; and

H. Such other and further relief as the Court deems just and proper.

Respectfully submitted,



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